

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

RECEIVED

BENITO GAGUINE

Attorney At Law

1233 20th Street, N.W.

Suite 205

Washington, D.C. 20036

MAR 17 1993

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY

Fax (202) 331-4123

Telephone (202) 331-7143

March 16, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20036

87-268 /

Dear Ms. Searcy:

There is submitted herewith on behalf of Isaac Blonder a Petition requesting the Commission to adopt rules and policies described therein, designed to supplement, or to replace, what appear to be the present pending proceedings in MM Docket #87-268.

The attention of the Commission is invited to the comments filed by Mr. Blonder in such proceedings, a copy of which is enclosed for the convenience of the Commission. Reference is also made to a pending Petition for Rule Making, filed by Press Broadcasting Company, Inc., August 24, 1992, in essence requesting a somewhat similar Rule Making. Mr. Blonder does not object to a simultaneous consideration of the two Rule Making proposals by consolidation, as well as similar consideration being given other proposals which may have been submitted along the same lines but not yet acted upon by the Commission, or which may be submitted in the future.

The principal objective of the present filing is to try to insure consideration of the basis therefore before the Commission takes action in MM Docket #87-586 which action will result in great dislocation of the broadcast industry; inflict tremendous costs upon the general public and the economy; and render the implementation by the actions proposed herein much more difficult if not impossible to achieve.

No. of Copies rec'd _____
List A B C D E

No. of Copies rec'd 049
List A B C D E

It is also appropriate to restate that Mr. Blonder does not propose, or stand to benefit financially in any way from the suggestions made herein.

Very truly yours,


BENITO GAGUINE

BG/lrc
enclosures
and nine copies

RECEIVED

MAR 17 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Petition for Rule Making

)
)
)
)
)

To Provide for the use of digital compression for existing and for new broadcast stations in order to enable local "Free TV" to survive against presently proposed multiple channel competitors.

To: The Commission

Summary

In light of the complex issues in pending Rule Making Proceedings, such as MM Docket No. 87-268 and the difficulty in achieving objectives sought therein by the Commission, and appropriate consideration being given to other alternatives proposed herein by Blonder, or involved in other filings with the Commission, it is urged that the proposal herein be adopted and implemented in order to avoid unnecessary harm to existing TV viewers, and to the TV industry. Basically, Blonder is requesting that the present Rule Making proceeding be closed out, and that a new proceeding be instituted which would permit full consideration of the inherent problems the Commission is facing in HDTV and related areas and which would result in rules and policies which would better meet the needs of the country and of the broadcast industry.

The proposed solution would require action by the Commission demonstrating understanding of the problems involved, vision in mandating solutions, and make available an opportunity for the industry and the public to provide the Commission with its views. Most important, it could (and should) result in a solution that would avoid a needless destruction of an industry and the deletion of localism in television.

* * *

The fortuitous arrival and recognition of digital compression offers numerous opportunities to utilize this new technology so as to improve the quality of life in the United States. The proposed new rules should be sufficiently flexible so as to encompass not only developed facets, but those not yet visualized.

The Commission has instituted proceedings which would materially increase the resolution of the TV picture received by the average viewer, the result of which would be an improved image beyond the ability of the human visual system to appreciate such higher quality unless the reception picture size is increased to a value much too large for the average home and much too expensive for the average pocketbook.

The HDTV quest, as pursued in the most recent docket, will eliminate the present cost effective NTSC delivery and inevitably drive the "Free" stations off the air due to the lack of advertising income, a result directly tied as noted above, to the lack of viewers.

In the judgment of the Petitioner, the present proceedings, if not modified, will result in the death of NTSC, and off the air television as we know it, as well as bankrupt present NTSC licensees. Perhaps this may be an overstatement, but the failure to explore the matter more fully is unexplainable.

As recognized by Commissioner Duggan in a speech before the AITS on Jan. 25, 1993, local "Free" broadcast television is the premier provider of emergency news to local citizens, and is a service which should be preserved at all costs. The present path appears to insure its death.

Testimony before the FCC reveals that under the present state of the art up to 20 NTSC channels may be carried on one 6 mhz broadcast channel. There any many other talented engineers who deserve attention and time in order to demonstrate the validity or quality of their research and inventions.

Even if the number of such digitally compressed transmissions were to promptly be frozen to 20, one possible utilization would be for the "Free" Broadcast station to be permitted to reserve for itself as revenue producers a limited number of channels to generate a specified number of TV signals dictated by the FCC, that would cover the entertainment programs most likely to appeal to the audience, and provide needed operating funds through advertising revenue.

Among the uses of the remaining capacity are that some could be made available through a satellite feed from the Library of Congress, and broadcast many educational program now available, or to be financed by the government. These educational signals could be broadcast by the TV station automatically, and at no cost to the viewer or to the station, but be a great value to the viewer.

The Library of Congress would be able to operate on a lower budget since programs could be placed a laser disk and upgraded infrequently. The number of such available "free" channels in any community is likely to be enough to accommodate the courses now taught in the U.S. school systems, from Kindergarten to courses leading to doctorate degrees. Thus the rural student, the homebound, and the full time worker could upgrade his knowledge, or learn a new skill in his spare time through the services of the local "Free" Broadcast TV stations.

Many other candidates for the use of the extra channels, having particular value for the local citizens, would become available such as town hall meetings; political appeals by candidates for local offices; school broadcast contests, etc. The choices are virtually limitless.

Suggestions are now being considered that 1000 lines are feasible. Actually 4000 lines are readily available and 10,000 lines are within reach. But unless some consideration is given to needs, costs, and results, the Commission may act too quickly, and at an unnecessary speed.

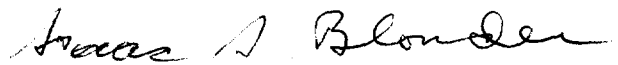
Since it could take ten years to painlessly institutionalize the changeover suggested, all current TV stations would be assigned a new UHF channel to broadcast, solely by the use of a digital system, and received by cable or by existing receivers modified by a low cost converter, or through the purchase of a digital capable receiver available at a reasonable cost. At some point the Commission could dispense with NTSC analog transmission. The country could enjoy not only a free TV system offering many additional entertainment channels, but in addition receive programs which could virtually duplicate the educational wealth of the U.S. as a "free" bonus.

The FCC could then have the option of vacating VHF channels in favor of other users since the total number of "free TV" channels would have been vastly increased, and the public would receive the additional services referred to above.

The proposed program is not designed to eliminate the existing educational broadcast infrastructure, but to supplement it with an additional cost free adjunct offered by the Commercial Broadcaster.

Accordingly, the Commission is respectfully urged to modify or amend existing proceedings, or to inaugurate a new proceeding designed to develop the points set forth above.

Respectfully submitted,


Isaac S. Blonder
BLONDER BROADCASTING CORPORATION

March 16, 1993

BENITO GAGUINE

Attorney At Law
1233 20th Street, N.W.
Suite 205

Washington, D.C. 20036

Telephone (202) 331-7143

Fax (202) 331-4123

RECEIVED

JAN 7 '93

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE
SECRETARY

January 6, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Searcy:

There is submitted herewith, on behalf of Isaac S. Blonder, an original and nine copies of Comments on the Third Report and Order in Docket #87-268, as well as a reference to the proposed filing by Mr. Blonder in the immediate future of a Petition for Rule Making primarily on the subject matter of the pending ATV Rule Making Proceeding.

The qualifications of Mr. Blonder are a matter of record with the Commission, and are not resubmitted.

Should anyone, or any entity within the Commission, have any questions concerning these "comments", please communicate with the undersigned.

Very truly yours,


BENITO GAGUINE

BG/lrc
enclosures

4. Although there is some increase in the NTSC receiver price when equipped to decode the multiprogram digital signal, the positive savings in transmission gear will surely result in a lower per program charge to the viewer.

5. Progressive scan, used in HDTV, is superior to interlace used in NTSC? Says who? I personally have viewed a European demo on similar sized adjacent TVs, and the average viewer could not tell which is progressive and which is not! The progressive set was 50% higher priced.


6. The home TV should be compatible with and married to a computer with all conceivable accessories? How many households would welcome, or even accept, this intrusion into their ordered lives? perhaps two generations ahead, a computer-based educated public would buy the higher priced contraption?

7. The FCC attempting to adopt standards states 1000 lines is the ultimate in resolution. Even today, 1000 lines is obsolete and is no longer considered a valid HDTV standard.

8. Conclusion - In view of the foregoing it is urged that a new proceeding be instituted to consider digital compression in the allocation and use of channels and the conditions to govern such utilization; that the instant proceeding be modified so as to fully explore such new developments and others; and that effects of such new developments upon the viewing public, the economy, the existing industry and programming needs be carefully investigated and considered. The time tables now inherent in this proceeding should be eliminated, or at least substantially modified to the extent required to avoid a result that appears to be calamitous.

If a new proceeding is required, petitions therefore are already on file with the Commission (see Petition for Rule Making filed August 24, 1992 by Press Broadcasting Company, Inc.) A further petition will be filed by Isaac Blonder in the immediate future seeking similar Rule Making.

Respectfully Submitted,


BENITO GAGUINE
Law Offices of Benito Gaguine
1233 20th Street, N.W.
Suite 205
Washington, D.C. 20036

Counsel for Isaac S. Blonder

January 7, 1993